

AMENDED IN SENATE MAY 12, 2009

AMENDED IN SENATE APRIL 20, 2009

Senate Concurrent Resolution

No. 20

Introduced by Senator Liu

March 9, 2009

Senate Concurrent Resolution No. 20—Relative to the Children of Incarcerated Parents Bill of Rights.

LEGISLATIVE COUNSEL'S DIGEST

SCR 20, as amended, Liu. Children of Incarcerated Parents Bill of Rights.

This measure would encourage designated entities to distribute the Children of Incarcerated Parents Bill of Rights to identified children of incarcerated parents, and to invite discussion and encourage relevant departments to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

Fiscal committee: yes.

1 WHEREAS, As many as 1 in 10 children have a parent who is
2 in jail, prison, or on parole or probation; and
3 WHEREAS, Over the last 15 years, federal and state
4 governments have expanded and lengthened criminal sentences,
5 particularly for drug offenses, incarcerating an increasing number
6 of adults. An unintended consequence of this rapid increase in
7 adult incarceration has been the growing number of children whose
8 parents are, or have been, in jail or prison; and
9 WHEREAS, The California sample of ~~this~~ a national survey
10 found that two-thirds of the state's male prison inmates and 79

1 percent of the state’s female prison inmates were parents, with an
2 average of 2.5 children for the men and 2.9 children for the women.
3 Still, state law provides very limited direction on how criminal
4 justice authorities should interact with the families and children
5 of prisoners; and

6 WHEREAS, Studies indicate that maintaining family bonds
7 during incarceration reduces recidivism for parents and improves
8 outcomes for children; and

9 WHEREAS, The San Francisco Children of Incarcerated Parents
10 Partnership (SFCIPP) has developed a bill of rights for children
11 of incarcerated parents and has turned it into a resolution for the
12 city; and

13 WHEREAS, The San Francisco CIPP bill of rights states the
14 following:

15 “San Francisco Children of Incarcerated Parents: A Bill of Rights
16 (1) I have the right to be kept safe and informed at the time of
17 my parent’s arrest.

18 (2) I have the right to be heard when decisions are made about
19 me.

20 (3) I have the right to be considered when decisions are made
21 about my parent.

22 (4) I have the right to be well cared for in my parent’s absence.

23 (5) I have the right to speak with, see and touch my parent.

24 (6) I have the right to support as I face my parent’s incarceration.

25 (7) I have the right not to be judged, blamed, or labeled because
26 my parent is incarcerated.

27 (8) I have the right to a lifelong relationship with my parent”;
28 now, therefore, be it

29 *Resolved by the Senate of the State of California, the Assembly*
30 *thereof concurring*, That, the Legislature hereby encourages the
31 State Department of Social Services, the Department of Corrections
32 and Rehabilitation, the Office of the State Foster Care
33 Ombudsperson, schools, relevant nonprofit organizations, law
34 enforcement agencies, and other departments that interact with
35 children of incarcerated parents to distribute ~~this~~ *the* bill of rights
36 created by the San Francisco Children of Incarcerated Parents
37 Partnership to identified children of incarcerated parents, utilizing
38 available funds; and be it further

39 *Resolved*, That these entities are encouraged to invite discussion
40 and encourage relevant departments to use this bill of rights as a

1 framework for analysis and determination of procedures when
2 making decisions about services for the children of incarcerated
3 parents; and be it further

4 *Resolved*, That the Secretary of the Senate transmit copies of
5 this resolution to the author for appropriate distribution.

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